

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

GARY A. STOREY,

Defendant.

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Case No. 8:02CR-307

ORDER

This case is before the court on the defendant's Motion for Release From Custody to Enter Residential Inpatient Treatment Facility (#58). On August 18, 2009 after hearing on the Petition for Warrant for Offender Under Supervision (#43), I found and ordered (#50) that the defendant failed to meet his burden under 18 U.S.C. § 3143 to establish by clear and convincing evidence that he is neither a flight risk nor a danger to the community.

The defendant has now obtained a chemical dependency evaluation and moves the court for an order placing him in an extended residential treatment program. I find that based on the defendant's prior record (cocaine trafficking -1989, aggravated assault-1989, money laundering and marijuana smuggling-2002, and disorderly conduct-2009), the suggested treatment program fails to mitigate the court's concern as to flight and danger and does not establish by clear and convincing evidence that he is neither a flight risk nor a danger to the community. Defendant's motion is denied.

IT IS ORDERED:

Defendant's Motion for Release From Custody to Enter Residential Inpatient Treatment Facility (#58) is denied without hearing.

Dated this 1st day of October 2009.

BY THE COURT:

S/ F. A. Gossett
United States Magistrate Judge